

# EXHIBIT O

Declaration of Peter C. Salerno  
In Support of Defendant Yassin Kadi's Motion  
To Exclude the Testimony of Victor Comras

03 MDL 1570

July 31, 2023

**Supplementary report.**

**Re:** Proceedings against Yassin-Abdullah KADI

**Place:** CH - 3000 Bern BE

**Date/Time:** Monday, 5<sup>th</sup> November 2007, 10:39.

Accused	Name	<b>KADI</b>
	Christian Name	<b>Yassin Abdullah</b>
	Date of Birth	23.02.1955
	Place of Birth	Egypt, Cairo
	Origin/Nationality	Saudi Arabia
	Parents	Abdullah AZIZ UD DIN KADI and Salah OMAR ZUBAR
	Marital Status	Married
	Domicile	SA-2141 Jeddah
	Address	Wale Al-Ahad Street, Al-Farsi Center, West Tower, 11 <sup>th</sup> Floor, Suite 1&2
	Communication	Private tel: +96626502255 Fax: +96626502188
	Language	Arabic, English
	Identity established with certainty	Yes

**1. Preliminary account**

The present report is based upon a financial analysis carried out by the Office of Investigating Magistrates regarding the investigation of Yassin Abdullah KADI, referred to here above.

At the request of the Federal instructing magistrate, the Federal judicial police was instructed to carry out investigations regarding the individuals and companies appearing in the context of the financial analysis carried out on the accounts of Yassin Abdullah KADI, in Switzerland.

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Decision dated 12.11.2007

Original to : 12.11.2007/J BINO  
[signed]  
FEDERAL JUDICIAL POLICE

This report is strictly limited to the initial results of said financial analysis and to the different names of the individuals and companies selected by the financial analyst according to the criteria defined by the latter. In our view, there are a certain number of other relations linking Yassin Abdullah KADI to entities recognized as terrorist.

The methodology used for drafting this report consisted in cross referring the names from the financial analysis with those known to various police sources. The result is a series of names analysed here below.

## **2. Introduction**

From all the entities identified by the financial analysis as being particularly suspect, a certain number appear in the police database. At this stage of the investigations, several enquiries made with foreign authorities are still ongoing with regard to the totality of Yassin Abdullah KADI's business relations.

According to the first results of the investigation, the list of names set out here below appear in the documentation held by the Federal judicial police:

### **The Companies:**

#### **Leemount Ltd**

On the 15<sup>th</sup> June 1994, Yassin Abdullah KADI ordered by telephone the transfer of 200.000 dollars to Amir Mehdi, director of the Muwafaq foundation in Pakistan. The bank transfer was from the Leemount Ltd account to the Muwafaq foundation at the Emirates Bank International Ltd in Karachi. The documents relating to this transfer order are provided by way of annexe, and we shall refer thereto in detail<sup>1</sup>.

On the 23<sup>rd</sup> July 2003 the Confederation Prosecution Office received a document from Mr. Carlo Lombardini, consisting of a response from Yassin Abdullah KADI and which explains, inter alia, that which is developed here below. Regarding the detail relating thereto, we refer to said document, which is also annexed to this report in the file labelled OFAC.

According to the statements made by Yassin Abdullah KADI contained in said document, more specifically at page 27, the Muwafaq foundation Pakistan is under the control of a regional director, Amir Mehdi Saleh, who according to Yassin Abdullah KADI has a good knowledge of the area<sup>2</sup>.

Still at page 27 of the document, Amir Mehdi Saleh is selected as the director of the Muwafaq in Pakistan after several meetings with Yassin Abdullah KADI. Amir

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<sup>1</sup> Account No 10172, File No 3, Yellow

<sup>2</sup> Yassin Al Kadi Response to OFAC, p. 27

Mehdi Saleh is recommended by the his brother Saleh Hassan Mehdi, who is domiciled at Jeddah, Saudi Arabia<sup>3</sup>.

It shall further be noted that the office of Muwafaq Pakistan is also the Muwafaq office for all of Asia. It shall also be noted that in 1992 the Pakistan Muwafaq foundation granted a loan of 3'589 dollars to Amir Mehdi Saleh, its regional director<sup>4</sup>.

Returning to the transfer of 200'000 dollars dated 15<sup>th</sup> June 1994 made by Yassin Abdullah KADI to Amir Mehdi, it is appropriate to consider the final recipient of these funds.

An ex-teacher, Amir Mehdi Saleh is in particular one of the directors of Pakistani terrorist group entitled Harkatul Mujahideen (allied to Harakat-al-Ansar since 1993). This organisation also appears on the SECO list of terrorist organisations<sup>5</sup>. Furthermore, the Pakistani terrorist group Harkatul Mujahideen is formally listed by the UN sanctions committee on the 3<sup>rd</sup> October 2001.

Following the arrest of Ramzi Youssef in 1995 for the first attempted attack on the World Trade Center in New York, the Pakistani police searched the premises of Muwafaq Pakistan and imprisoned Amir Mehdi Saleh for several months. Amir Mehdi Saleh would have been in contact with Ramzi Youssef, the designer behind the first attack on the World Trade Center. After two years during which Amir Mehdi Saleh managed the funds of the Muwafaq Pakistan organisation, *"on the 21<sup>st</sup> March 1995, the Pakistani government searched the offices of the foundation at Islamabad. As a result of said search, the officers of the FIA (Pakistani security service) arrested Amir Mehdi on the 29<sup>th</sup> March 1995"*<sup>6</sup>.

On the 15<sup>th</sup> November 1993 six bearer cheques were issued by the National Commercial Bank, the main shareholder of which at the period was Khalid Mahfouz, who according to Yassin Abdullah KADI was the "driving force behind the Muwafaq foundation". These cheques were immediately cashed by Yassin Abdullah KADI into the account of his company Leemount. The sum of 30 million dollars was deposited in the Leemount Ltd account, said company being managed by Yassin Abdullah KADI. Considering the above, we are entitled to believe that Leemount is one of the main effective Muwafaq foundation donors<sup>7</sup>. Following the hearing by the PJF (Federal Judicial Police) on the 9<sup>th</sup> February 2007 of Mr. Rachid TEYMOUR, the main administrator of the funds belonging to Yassin Abdullah KADI, Mr. TEYMOUR stated: "I do not know where the thirty million come from, maybe it was inherited, the result of a commission payment or the sale of land (...) no one told me of the origins of the money from the NCB". For full details, we refer to the transcript prepared during the hearing of Mr. TEYMOUR, document sent to the OJIF.

<sup>3</sup> Yassin Al Kadi Response to OFAC, p. 27

<sup>4</sup> OFAC, Attachments to answers to questions concerning the petition to delist Yassin Abdullah KADI, foundation Muwafaq, Pakistan.

<sup>5</sup> SECO list of terrorist organizations update of the 13<sup>th</sup> November 2006 in application of the order of the United Nations concerning Al Qaida and the Taliban.

<sup>6</sup> Summary document regarding Yassin Abdullah KADI forwarded by the American Treasury Department of the 26/05/04.

<sup>7</sup> Account No 10172, second yellow folder, cheques numbers 028351/018352/028353/02854/028355/028356